

# UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

SHANE O'SULLIVAN  
YOB: 1984  
109 North Street  
Foxborough, MA 02035

CASE NUMBER: M.J. No.

04M-1054-JGD

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about September 25, 2003 through on or about March 22, 2004 in Norfolk county, in the District of Massachusetts, and elsewhere defendant,

did move and travel in interstate and foreign commerce with intent to avoid prosecution, custody and confinement after conviction, under the laws of Massachusetts, the place from which he did flee, for a crime which is a felony under the laws of Massachusetts, the place from which the fugitive did flee

in violation of Title 18 United States Code, Section 1073.

I further state that I am a(n) Special Deputy U.S. Marshal of the FBI  
Official Title

and that this complaint is based upon the following facts:

See Affidavit attached hereto and incorporated by reference herein.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Michael H. Kozak  
Signature of Complainant  
Michael H. Kozak  
SDUSM, FBI

Sworn to before me and subscribed in my presence,

3/23/04

Date

at Boston, Massachusetts

City and State

JUDITH G. DEIN  
U.S. Magistrate Judge

Name and Title of Judicial Officer

Judith G. Dein  
Signature of Judicial Officer

AFFIDAVIT OF SDUSM MICHAEL H. KOZAK

I, Michael H. Kozak, Special Deputy U.S. Marshal, Federal Bureau of Investigation, being duly sworn, do hereby depose and state:

1) The Federal Bureau of Investigation has been requested to assist the Massachusetts State Police and the Norfolk County District Attorney's Office in the location and apprehension of Shane O'SULLIVAN ("O'SULLIVAN").

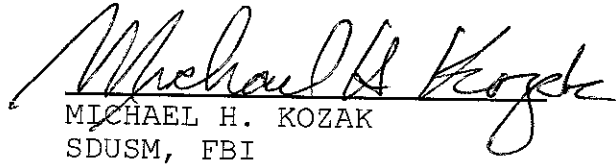
2) From my own investigation and conversations with other law enforcement officers, I have learned that:

- a) On September 25, 2003, O'SULLIVAN was charged by indictment for the crime of Home Invasion, Firearm-Armed in Norfolk Superior Court, No. CR-03-0418;
- b) The crime of Home Invasion, Firearm-Armed is a felony under Massachusetts General Laws Chapter 265, Section 18;
- c) On September 25, 2003, an arrest warrant was issued by Norfolk Superior Court for the apprehension of O'SULLIVAN;
- d) Law enforcement efforts to locate O'SULLIVAN within Massachusetts have been unsuccessful;
- e) Based on information from a confidential source, it is believed that O'SULLIVAN has fled from Massachusetts to West Virginia where he may be residing with relatives or friends under an assumed identity;

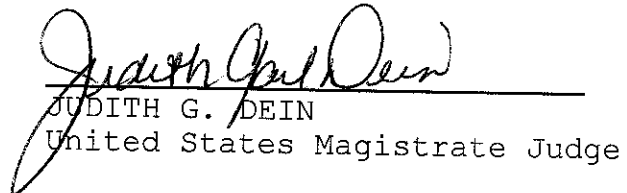
f) The police department in Foxborough, where O'SULLIVAN is known previously to have resided, has confirmed that O'SULLIVAN has relatives in West Virginia; and

g) The Norfolk County District Attorney's Office has advised that it will rendite O'SULLIVAN if he is apprehended outside the District of Massachusetts.

3) Attached hereto and made a part hereof are copies of: (a) Norfolk Superior Court Arrest Warrant No. 038ZCR000416 for O'SULLIVAN; and (b) a March 15, 2004 letter from the Norfolk County District Attorney's Office promising to rendite O'SULLIVAN if he is apprehended outside of Massachusetts.

  
MICHAEL H. KOZAK  
SDUSM, FBI

Subscribed and sworn before me this 23rd day of March 2004.

  
JUDITH G. DEIN  
United States Magistrate Judge

OSULLIVAN,SHANE - W6132837

Commonwealth of Massachusetts - Criminal Justice Information System

Trial Court of Massachusetts - Warrant Management System

Pursuant to Massachusetts General Laws ch.276 s.23A this is a TRUE WARRANT on the person named herein as contained in the Warrant Management System and printed via Criminal Justice Information System.

This Warrant Printed as of 13:06 on 03/12/04

Defendant Information:

Name: OSULLIVAN,SHANE

Address: 109 NORTH STREET

SS#: 013663974

Race: U Sex: M

Hair: BRD Eyes: BLU

City: FOXBOROUGH

MA 02035

Weight: 200 Height: 6'01"

Complexion: FAR Marks:

Date of Birth: 09/20/1984 Place of Birth: MA Date of Emancipation: 00/00/0000

Father:

Mother:

Known Alias:

Ref No: W6132837

License No:

Misc No:

License State: MA

Obtn No:

CC No:

Warrant Information:

Docket: 0382CR000416

Issue Date: 09/25/2003 Court of Issue: 82 - NORFOLK SUPERIOR

Type: S - STRAIGHT

64218

Date of Complaint: 09/25/2003

Offense Date: 07/20/2003 Offense Location: FOXBOROUGH

\*\*\*\*\* Charges \*\*\*\*\*

Count	Offense Code	Description
1 F	265/18C/C	HOME INVASION, FIREARM-ARMED C265 S18C

Warrant Information: INDICTMENT WARRANT

Assigned for Service To: FOX - FOXBORO PD

Warrant printed by: FBI - US FBI - 2

Officer Name:

Fine Amount:

Judge's Name: DONOVAN,ELIZABETH B.

Bail Amount:

Return Date/Time: 00/00/0000 00:00

Non-bailable

Recall Date/Time: 00/00/0000 00:00

TO ANY OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS:

The court has ordered that the above warrant issue against the above defendant.

Therefore you are hereby commanded to arrest the above named defendant and bring the defendant forthwith before this court to answer to the offense(s) listed above and to be dealt with

Received Mar-22-2004 09:45

From-617 223 6025

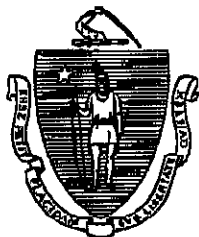
To-

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Return of Service: By virtue of this warrant, I certify that:

- ☐ The defendant has been arrested as ordered by the court.
- ☐ I am returning the warrant without service to the court.

Date of Arrest	Signature of Person Making Service	Title of Person Making Service	Department If different
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**The Commonwealth of Massachusetts**

**OFFICE OF THE DISTRICT ATTORNEY  
FOR THE NORFOLK DISTRICT**

**WILLIAM R. KEATING**  
DISTRICT ATTORNEY

45 SHAWMUT ROAD  
CANTON, MA 02021  
(781) 830-4800  
FAX (781) 830-4801

March 15, 2004

The Honorable Michael Sullivan  
United States Attorney  
United States Courthouse  
One Courthouse Way  
Boston, MA 02210

Re: Commonwealth v. Shane O'Sullivan  
Norfolk Superior Court Warrant No.NOCR03-0418

Dear Mr. Sullivan:

The above named defendant is charged here in Norfolk County with a home invasion that took place July 20, 2003. He is the only one of the four co-defendants in default.

Massachusetts State Police Captain John Gallagher, who is assigned to this office, has been contacted by FBI Special Agent Michael Kozak, One Center Plaza, Suite 600, Boston, MA 02108 (617/223-6429; Fax: 617/223-6025). He has indicated to us that federal authorities apparently have some information on the location of the above Shane O'Sullivan, and has requested that we ask for the issuance of a federal unlawful flight to avoid prosecution warrant. This office has had him entered into NCIC for some period of time indicating that if he is apprehended, we will rendite; also indicating that we will, if need be, pursue the obtaining of a Governor's Warrant and bear the expense of sending officers to return him to Massachusetts. We trust that if the federal law enforcement officials' information is sufficiently definitive as to this individual's location that we will be informed along with law enforcement agencies within the said location, such that this individual, who we consider to be dangerous, may be readily apprehended and returned here to Massachusetts.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis C. Mahoney".

Dennis C. Mahoney  
First Assistant District Attorney

cc: Kate Herburger  
Captain John Gallagher  
Special Agent Michael Kozak